



# UNITED STATES PATENT AND TRADEMARK OFFICE

C

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/915,096

07/25/2001

Lily C. Li

31021.P004

5562

22971

7590

11/02/2006

MICROSOFT CORPORATION

ATTN: PATENT GROUP DOCKETING DEPARTMENT

ONE MICROSOFT WAY

REDMOND, WA 98052-6399

EXAMINER

GOLD, AVI M

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/915,096

Applicant(s)

LI ET AL.

Examiner

Avi Gold

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 9, 10, 13, 15, 16, 19-21 and 23-45 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 9, 10, 13, 15, 16, 19-21 and 23-45 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to the amendment filed on August 23, 2006. Claims 1, 13, 19, 23, 25-28, 35, 37-39, and 41-45 were amended. Claim 14 was cancelled. Claims 1-4, 9, 10, 13, 15, 16, 19-21, and 23-45 are pending.

### ***Response to Amendment***

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 9, 10, and 13, 15, 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Pollack, U.S. Patent No. 6,505,236.

Pollack teaches the invention as claimed including a system and method which detaches and stores any mail attachments and appends the body of the mail to include a handle to enable the recipient to retrieve the stored attachment at a later time (see abstract).

Regarding claim 1, Pollack teaches a method for servicing email at a client of a sender of an email comprising:

receiving a request at the client of the sender to send the email (col. 4, lines 4-6, Pollack discloses a receiving portal to receive an email from a send);

determining at the client of the sender whether the email to be sent includes one or more attachments (col. 1, lines 59-62, Pollack discloses multiple attachments on an email);

determining whether a recipient of the email has distributed storage separate from an incoming email server of the recipient for storing email attachments, if the email to be sent includes one or more attachments (col. 4, lines 25-34, Pollack discloses a mail attachment storage system);

determining a network address of the recipient's distributed storage for storing email attachments, if the recipient has such distributed storage (col. 4, lines 34-39, Pollack discloses a storage device that stores attachment at specific address);

determining whether the recipient's distributed storage is available to receive the one or more attachments upon determining the network address (col. 6, lines 39-48, Pollack discloses the use of an attachment comparator to see if an attachment can be received and kept); and

if the recipient has distributed storage for storing email attachments and the distributed storage is available to accept said one or more attachments:

sending a main body of the email to the incoming email server of the recipient (col. 7, lines 1-11, Pollack discloses an email sent without an attachment);

sending an instruction to the recipient's distributed storage to submit a request for one or more attachments of the email (col. 5, lines 50-67, col. 7, lines 1-11, Pollack discloses an attachment receiver); and

upon receipt of such a request, sending the one or more attachments of the email to the recipient's distributed storage for email (col. 4, lines 25-39).

Regarding claims 2, Pollack teaches the method of claims 1, wherein said determining of whether the recipient of the email has distributed storage separate from an incoming email server of the recipient for storing email attachments comprises querying a recipient email distributed storage location server (col. 4, lines 25-34).

Regarding claim 3 and 15, Pollack teaches the method of claims 1 and 13, wherein said determining of the network address of the recipient's distributed storage for storing email attachments comprises querying a recipient email distributed storage location server (col. 4, lines 25-39).

Regarding claim 4 and 16, Pollack teaches the method of claims 1 and 13, wherein said determining of whether the recipient's distributed storage is available to receive the one or more attachments comprises pinging the recipient's email distributed storage using said determined network address (col. 4, lines 25-39, col. 6, lines 39-48).

Regarding claim 9, Pollack teaches the method of claim 1, further comprising sending the main body of the email and the one or more attachments of the email to the incoming email server of the recipient if the recipient has distributed storage but the distributed storage is not available to accept said one or more attachments (col. 1, lines 35-45, col. 2, lines 26-57, Pollack discloses an attachment attached directly to an email if no storage is available).

Regarding claim 10, Pollack teaches the method of claim 1, further comprising sending the main body of the email and the one or more attachments of the email to the incoming email server of the recipient if the recipient does not have distributed storage for email attachments (col. 1, lines 35-45, col. 2, lines 26-57).

Regarding claim 13, Pollack teaches a method for servicing email at a server comprising:

- receiving at the server an email on behalf of a recipient, the email including a main body and one or more attachments (col. 1, lines 59-62, col. 4, lines 4-6);

- determining whether the recipient of the email has distributed storage for storing email attachments by querying a recipient email distributed storage location server (col. 4, lines 25-34);

- determining a network address of the recipient's distributed storage for storing email attachments, if the recipient has such distributed storage (col. 4, lines 34-39);

determining periodically whether the recipient's distributed storage is available to receive the one or more attachments upon determining the network address (col. 6, lines 39-48);

sending an instruction to the recipient's distributed storage to submit a request for the one or more attachments of the email (col. 5, lines 50-67, col. 7, lines 1-11); and

upon such a request, sending the one or more attachments of the email to the recipient's distributed storage for email attachments (col. 4, lines 25-39).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23-37 and 39-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack, U.S. Patent No. 6,505,236, further in view of Hazan et al., U.S. Patent No. 6,434,602.

Pollack teaches the invention substantially as claimed including a system and method which detaches and stores any mail attachments and appends the body of the mail to include a handle to enable the recipient to retrieve the stored attachment at a later time (see abstract).

Regarding claim 23, Pollack teaches a method for servicing email at a client of a recipient of an email comprising:

receiving at the client of the recipient of the email a request from a user to access an attachment of an email;

determining whether a distributed storage for storing email attachments for the user is accessible, and if so, whether the attachment is stored in said distributed storage (col. 4, lines 25-39, col. 5, lines 50-67, col. 7, lines 1-11); and

retrieving the attachment from the distributed storage if the attachment is stored by the distributed storage and retrieving the attachment from an incoming email server if the attachment is not stored by the distributed storage (col. 5, lines 50-67, col. 7, lines 1-11).

Pollock fails to teach the limitation further including the user being a part of a peer-to-peer communication system.

However, Hazan teaches a method, apparatus, and article of manufacture for accessing electronic messages (see abstract). Hazan teaches the use of a peer-to-peer network for e-mail (col. 1, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pollock in view of Hazan to use a peer-to-peer communication system. One would be motivated to do so because it allows for bandwidth conservation.



Regarding claim 24 and 42, Pollack teaches the method and apparatus of claims 23 and 41, wherein said determining of whether the user's distributed storage for email attachments is accessible comprises pinging the user's distributed storage for email attachments (col. 4, lines 25-39, col. 6, lines 39-48).

Regarding claim 25 and 43, Pollack teaches the method and apparatus of claims 23 and 41, wherein said retrieving the attachment further comprises retrieving the attachment from the user's distributed storage for storing email attachments if the user's distributed storage for storing email attachments is accessible, and the attachment is stored in the user's distributed storage for storing email attachments (col. 7, lines 1-11).

Regarding claim 26 and 44, Pollack teaches the method and apparatus of claims 23 and 41, wherein retrieving the attachment further comprises retrieving the attachment from an incoming email server of the user if the user's distributed storage for storing email attachments is accessible, and the attachment is not stored in the user's distributed storage for storing email attachments (col. 1, lines 35-45, col. 2, lines 26-57).

Regarding claim 27 and 45, Pollack teaches the method and apparatus of claims 23 and 41, wherein retrieving the attachment further comprises attempting to retrieve the attachment from an incoming email server of the user if the user's distributed storage for storing email attachments is not accessible (col. 1, lines 35-45, col. 2, lines 26-57).

Regarding claim 28, Pollack teaches an apparatus comprising:

a storage medium having stored therein a plurality of executable programming instructions that, when executed, perform the following steps for servicing email at a client of a sender of an email:

receiving a request to send an email to a recipient (col. 4, lines 4-6);

determining whether the email to be sent includes one or more attachments (col. 1, lines 59-62);

determining whether a recipient of the email has distributed storage separate from an incoming email server of the recipient for storing email attachments by querying a recipient email distributed storage location server, if the email to be sent includes one or more attachments (col. 4, lines 25-34);

determining a network address of the recipient's distributed storage for storing email attachments, if the recipient has such distributed storage (col. 4, lines 34-39);

determining whether the recipient's distributed storage is available to receive the one or more attachments upon determining the network address (col. 6, lines 39-48);

servicing said request to send said email based at least in part on the results of said determinations (col. 7, lines 1-11); and

a processor coupled to the storage medium to execute the programming instructions (col. 7, lines 35-51, Pollack discloses a processor performing the process).

Pollock fails to teach the limitation further including the user being a part of a peer-to-peer communication system.

However, Hazan teaches the use of a peer-to-peer network for e-mail (col. 1, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pollock in view of Hazan to use a peer-to-peer communication system. One would be motivated to do so because it allows for bandwidth conservation.

Regarding claim 29, Pollack teaches the apparatus of claim 28, wherein said programming instructions are further configured to send the one or more attachments of the email to the recipient's distributed storage, if the recipient has distributed storage for storing email attachments, and the distributed storage is available to accept said one or more attachments (col. 7, lines 1-11).

Regarding claim 30, Pollack teaches the apparatus of claim 28, wherein said programming instructions are further configured to send an instruction to the recipient's distributed storage to submit a request for the one or more attachments of the email, if the recipient has distributed storage for storing email attachments, and the distributed storage is available to accept said one or more attachments (col. 5, lines 50-67, col. 7, lines 1-11, Pollack discloses an attachment receiver).

Regarding claim 31, Pollack teaches the apparatus of claim 30, wherein said programming instructions are further configured to send the one or more attachments of

the email to the recipient's distributed storage for email attachments upon receipt of a request from the recipient's distributed storage for the one or more attachments of the email (col. 4, lines 25-39).

Regarding claim 32, Pollack teaches the apparatus of claim 28, wherein said programming instructions are further configured to retry to send the one or more attachments of the email to the recipient's distributed storage in accordance with a retry policy, if the recipient has distributed storage and the distributed storage is not immediately available to accept said one or more attachments (col. 6, lines 39-48).

Regarding claim 33, Pollack teaches the apparatus of claim 28, wherein said programming instructions are further configured to send the one or more attachments of the email to the incoming email server of the recipient if the recipient has distributed storage and the distributed storage is not available to accept said one or more attachments (col. 1, lines 35-45, col. 2, lines 26-57, Pollack discloses an attachment attached directly to an email if no storage is available).

Regarding claim 34, Pollack teaches the apparatus of claim 28, wherein said programming instructions are further configured to send the one or more attachments of the email to the incoming email server of the recipient if the recipient does not have distributed storage for email attachments (col. 1, lines 35-45, col. 2, lines 26-57).

Regarding claim 35, Pollack teaches an apparatus comprising:

a storage medium having stored therein a plurality of executable programming instructions that, when executed, perform the following steps for servicing email at a client:

receiving at the client an email on behalf of a recipient, the email including a main body and one or more attachments (col. 1, lines 59-62, col. 4, lines 4-6);

determining whether the recipient of the email has distributed storage for storing email attachments by querying a recipient email distributed storage location server (col. 4, lines 25-34);

determining a network address of the recipient's distributed storage for storing email attachments, if the recipient has such distributed storage (col. 4, lines 34-39);

periodically determining whether the recipient's distributed storage is available to receive the one or more attachments upon determining the network address (col. 6, lines 39-48); and

sending the one or more attachments of the email to the recipient's distributed storage for email attachments for storage, upon determining that the recipient's distributed storage for email attachments is available to accept email attachments (col. 4, lines 35-39); and

a processor coupled to the storage medium to execute the programming instructions (col. 7, lines 35-51).

Pollock fails to teach the limitation further including the user being a part of a peer-to-peer communication system.

However, Hazan teaches the use of a peer-to-peer network for e-mail (col. 1, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pollock in view of Hazan to use a peer-to-peer communication system. One would be motivated to do so because it allows for bandwidth conservation.

Regarding claim 36, Pollack teaches the apparatus of claim 35, wherein said programming instructions are further configured to send an instruction to the recipient's distributed storage for email attachments, instructing the recipient's distributed storage for email attachments to submit a request for the one or more attachments of the email (col. 5, lines 50-67, col. 7, lines 1-11).

Regarding claim 37, Pollack teaches the apparatus of claim 36, wherein said programming instructions are further configured to send the one or more attachments of the email to the recipient's distributed storage for email attachments upon receipt of a request from the recipient's distributed storage for the one or more attachments of the email (col. 4, lines 25-39).

Regarding claim 39, Pollack teaches an apparatus comprising:

a storage medium having stored therein a plurality of executable programming instructions that, when executed, perform the following steps for servicing email to a distributed storage location:

receiving a request from a selected one of a sender and an incoming email server of a user to pull an attachment of an email;

submitting, in response, a request to the selected one of the sender and the incoming email server of the user to pull said email attachment;

receiving said email attachment; and

storing said email attachment (col. 5, lines 50-67, col. 7, lines 1-11); and

a processor coupled to the storage medium to execute the programming instructions (col. 7, lines 35-51).

Pollock fails to teach the limitation further including the user being a part of a peer-to-peer communication system.

However, Hazan teaches the use of a peer-to-peer network for e-mail (col. 1, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pollock in view of Hazan to use a peer-to-peer communication system. One would be motivated to do so because it allows for bandwidth conservation.

Regarding claim 40, Pollack teaches the apparatus of claim 39, wherein the programming instructions are further configured to perform the following additional steps:

- receiving a request from a requestor for the email attachment;
- retrieving the email attachment from storage; and
- providing the retrieved email attachment to the requestor upon successfully retrieving said email attachment from storage (col. 5, lines 50-67, col. 7, lines 1-11).

Regarding claim 41, Pollack teaches an apparatus comprising:

a storage medium having stored therein a plurality of executable programming instructions that, when executed, perform the following steps for servicing email at a client of a recipient of an email:

- receiving a request from a user to access an attachment of an email;
- determining whether a distributed storage for storing email attachments for the user is accessible;
- determining whether the attachment is stored in said distributed storage if said distributed storage is accessible; and
- servicing said request to access said attachment of said email at said distributed storage or at an incoming email server (col. 5, lines 50-67, col. 7, lines 1-11); and
- a processor coupled to the storage medium to execute the programming instructions (col. 7, lines 35-51).



Pollock fails to teach the limitation further including the user being a part of a peer-to-peer communication system.

However, Hazan teaches the use of a peer-to-peer network for e-mail (col. 1, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pollock in view of Hazan to use a peer-to-peer communication system. One would be motivated to do so because it allows for bandwidth conservation.

5. Claims 19-21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack, U.S. Patent No. 6,505,236, in view of Hazan et al., U.S. Patent No. 6,434,602, further in view of Shibata et al., U.S. Patent No. 7,069,332.

Pollack teaches the invention substantially as claimed including a system and method which detaches and stores any mail attachments and appends the body of the mail to include a handle to enable the recipient to retrieve the stored attachment at a later time (see abstract).

Regarding claim 19, Pollack teaches a method for an email distributed storage location server, comprising:

an email user's distributed storage for email attachments (col. 4, lines 25-39);  
storing a network address of the email user's distributed storage for email attachments (col. 4, lines 34-39);

receiving a request from a requestor for the network address of the email user's distributed storage for email attachments; and

providing the requestor with the network address of the email user's distributed storage for email attachments (col. 5, lines 50-67, col. 7, lines 1-11).

Pollock fails to teach the limitation further including the user being a part of a peer-to-peer communication system and receiving a registration to register an email user's distributed storage.

However, Hazan teaches a method, apparatus, and article of manufacture for accessing electronic messages (see abstract). Hazan teaches the use of a peer-to-peer network for e-mail (col. 1, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pollock in view of Hazan to use a peer-to-peer communication system. One would be motivated to do so because it allows for bandwidth conservation.

Pollock and Hazan fail to teach the limitation further including receiving a registration to register an email user's distributed storage.

However, Shibata teaches a video server for a video distribution system (see abstract). Shibata teaches the use of registered storage (col. 5, lines 15-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pollock and Hazan in view of Shibata to receive a registration to register an email user's distributed storage. One would be motivated to do so because it allows for faster access to the storage.

Regarding claim 20, Pollack teaches the method of claim 19, wherein the requestor a sender of an email (col. 5, lines 50-67, col. 7, lines 1-11).

Regarding claim 21, Pollack teaches the method of claim 19, wherein the requestor is an email server associated with an email recipient (col. 5, lines 50-67, col. 7, lines 1-11).

Regarding claim 38, Pollack teaches an apparatus comprising:

a storage medium having stored therein a plurality of executable programming instructions that, when executed, perform the following steps for providing an email distributed storage location server capability at a client:

receiving a registration to register an email user's distributed storage for email attachments (col. 4, lines 25-39);

storing a network address of the email user's distributed storage for email attachments (col. 4, lines 34-39);

receiving a request from a requestor for the network address of the email user's distributed storage for email attachments; and

providing the requestor with the network address of the email user's distributed storage for email attachments (col. 5, lines 50-67, col. 7, lines 1-11); and

a processor coupled to the storage medium to execute the programming instructions (col. 7, lines 35-51).

Pollock fails to teach the limitation further including the user being a part of a peer-to-peer communication system and receiving a registration to register an email user's distributed storage.

However, Hazan teaches the use of a peer-to-peer network for e-mail (col. 1, lines 11-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pollock in view of Hazan to use a peer-to-peer communication system. One would be motivated to do so because it allows for bandwidth conservation.

Pollock and Hazan fail to teach the limitation further including receiving a registration to register an email user's distributed storage.

However, Shibata teaches the use of registered storage (col. 5, lines 15-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pollock and Hazan in view of Shibata to receive a registration to register an email user's distributed storage. One would be motivated to do so because it allows for faster access to the storage.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-4, 9, 10, 13, 15, 16, 19-21, and 23-45 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments filed August 23, 2006 have been fully considered but they are not persuasive.

Regarding the argument to claim 1, the applicant argues that the reference, Pollock, does not disclose determining a network address of the recipient's distributed storage. The examiner respectfully disagrees, as seen in, column 4, lines 34-39, there is the storage of an attachment at a specific address.

8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., page 11, lines 4-9 of the specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. In response to applicant's arguments, the recitation "location server," in claim 19, has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,903,723 to Beck et al.

U.S. Pat. No. 6,839,741 to Tsai

U.S. Pat. No. 6,651,087 to Dennis

U.S. Pat. No. 5,771,355 to Kuzma

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

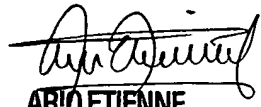
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG

  
**ARIO ETIENNE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**